IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 335 OF 2007

MRS. SANJIVANI KRISHNANATH SHETKAR ... Petitioner
Versus
GOVERNMENT OF GOA THROUGH THE CHIEF SECRETARY AND 5 ORS., ... Respondents

Mr. Sandesh G. Shigaonkar, Advocate for the Petitioner.

Coram:- R. S. MOHITE &
N. A. BRITTO, JJ.

Date:- 3rd September, 2007

P.C.:-

This is a petition seeking compensation of Rs.10,85,000/- for the death of the Petitioner's husband. It appears that there was an inquiry made by the Cuncolim Police Station into the incident and report was filed under Section 174 Cr. P. C. Perusal of the report indicates that the Petitioner's husband was riding a cycle and at about 6.45 p.m. he fell into a road side water drain and suffered a head injury to which he ultimately succumbed. The Police Report states that he was in a drunken state. This is argued to be incorrect and it is contended that in fact there was work going on the road side. Prima Facie, the photographs show an intact tar road. We find no material to indicate that any construction was going on. In any case as per the Fatal Accidents Act, 1855 a suit would lie if it can be proved that the death was caused by wrongful act, neglect, or default on the strength of which action can lie. There are disputed questions of facts involved and we cannot go into them in writ jurisdiction.

Petition stands disposed off.

R. S. MOHITE, J.

N. A. BRITTO, J.

RD.